12 **S.B. CIVIL WRIT PETITION NO.6879/2007.**
Dr. Anju Goyal Vs. State of Rajasthan

Date of Order :: 23rd October 2007.

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr. Rajesh Panwar, for the petitioner.
Mr. Rameshwar Dave, Dy.G.A., for the respondent.

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BY THE COURT:

Having regard to a short point involved, let notice for final disposal be issued. Learned Deputy Government Advocate Mr. Rameshwar Dave is requested to put in appearance for the respondent.

A copy of the writ petition has been supplied to the learned Deputy Government Advocate. Learned counsel for the parties have been heard finally.

The petitioner, working as Veterinary Doctor with the Animal Husbandry Department, having been transferred from Hanumangarh to Sardargarh, District Sriganganagar by the order dated 31.07.2007 (Annex.3), earlier approached this Court in Writ Petition No.5497/2007; however, the said writ petition was withdrawn on 06.09.2007 with liberty to file afresh for the petitioner seeking to make a proper representation stating her grievances before the competent authorities and to pursue her remedies in accordance with law.

By way of this writ petition, the petitioner is now again before this Court stating that she did make a representation to the authorities concerned; that her husband is also working on the post of Veterinary Doctor and is presently posted at Hanumangarh; that she is required to look after her family including three children, one of them being 11 months of age, her old aged mother-in-law and her father living with her who has recently undergone Cardiac Surgery; and in the circumstances, her transfer to another District Sriganganagar at Sardargarh would be causing her serious difficulties. It has been contended that the petitioner made the representation as back as on 21.09.2007, but the same has yet not been considered and decided by the authorities concerned.

This Court is clearly of opinion that though the right of the respondent to issue a transfer/posting order in relation to an employee like the petitioner is not denied but at the same time, if a representation is made by such an employee, it is required of the authorities concerned to deal with the representation and decide the same expeditiously and without loss of time; and to take decision thereupon objectively and dispassionately.

Learned Deputy Government Advocate submitted that in view of the excessive number of representations being received by the authorities concerned, on some occasion,

disposal of representation takes longer time. Such submissions are not convincing for the simple reason that when the authorities of the Government of Rajasthan can exercise their rights in relation to an employee of the Department including the right to issue a transfer order, they are equally obliged to respect the right of the incumbent at least to make a representation and to state the grievances; and it is always expected that such representations are decided without loss of time.

In the present case, the petitioner submits that she made the representation as back as on 21.09.2007 and learned counsel for the petitioner contends that till this date, she has not been informed about the decision on her representation.

Having regard to the facts and circumstances of the case, it is considered appropriate and hence directed that the representation as made by the petitioner (Annex.6) shall be decided by the authorities concerned within three days from the date of receipt of the copy of the order. It shall be expected of the authority to take decision on the representation objectively and dispassionately.

The writ petition is allowed to the extent indicated above. No costs.

(DINESH MAHESHWARI), J.

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